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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Steve Ray Bentley,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.
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No. CV-16-00938-PHX-GMS

ORDER

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus and
16 United States Magistrate Judge Deborah M. Fine's Report and Recommendation
17 ("R&R"). Docs. 1, 21. The R&R recommends that the Court deny and dismiss the
18 Petition with prejudice. Doc. 21 at 16. The Magistrate Judge advised the parties that
19 they had fourteen days to file objections to the R&R and that failure to file timely
20 objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at
21 17 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-*
22 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).


23 The parties did not file objections, which relieves the Court of its obligation to
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
25 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
26 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must
27 determine de novo any part of the magistrate judge's disposition that has been properly
28 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will accept the R&R and deny and dismiss the Petition with prejudice.
2 *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in
3 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.
4 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended
5 disposition; receive further evidence; or return the matter to the magistrate judge with
6 instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Fine’s R&R (Doc. 21) is **accepted**.
- 9 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **denied and**
10 **dismissed with prejudice**.
- 11 3. The Clerk of Court shall **terminate** this action.
- 12 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the
13 event Petitioner files an appeal, the Court declines to issue a certificate of appealability
14 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
15 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

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17 Dated this 21st day of February, 2017.

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20 Honorable G. Murray Snow
21 United States District Judge
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